

REMARKS

Claims 83 – 100 are pending. Claims 40 – 82 have been cancelled. Claims 83 – 100 have been added. No new matter has been added. Reexamination and reconsideration of the application are respectfully requested.

In the November 16, 2006 Office Action, the Examiner rejected claims 40, 49, 55- 59, 62 – 63, 66 – 70, 72 – 74, and 80 – 82 under 35 U.S.C. § 102(b) as being anticipate by U.S. Patent No. 5,657,221 to Warman ("the Warman reference"). The Examiner rejected claims 41 – 43 and 64 – 65 under 35 U.S.C. § 103(a) as being unpatentable over the Warman reference in view that it was well known in the art that a tuner can receive AM signals and FM signals. The Examiner rejected claims 44 – 46, 61, and 71 under 35 U.S.C. § 103(a) as being unpatentable over the Warman reference in view of U.S. Patent No. 5,524,060 to Silfvast ("the Silfvast reference"). The Examiner rejected claims 47 – 48 under 35 U.S.C. § 103(a) as being unpatentable over the Warman reference as modified by the Silfvast reference and further in view of U.S. Patent No. 6,492,909 to Washikawa ("the Washikawa reference"). The Examiner rejected claims 50 – 54 under 35 U.S.C. § 103(a) as being unpatentable over the Warman reference in view of U.S. Patent No. 5,832,024 to Schotz ("the Schotz reference"). The Examiner rejected claims 75 and 78 under 35 U.S.C. § 103(a) as being unpatentable over the Warman reference in view of U.S. Patent No. 6,314,326 to Fuchu ("the Fuchu reference"). The Examiner rejected claims 76 – 77 and 79 under 35 U.S.C. § 103(a) as being unpatentable over the Warman reference in view of the Fuchu reference and further in view of U.S. Patent No. 6,061,411 ("the Wooten reference"). These rejections are respectfully traversed in so far as they are applicable to the

presently pending claims.

The newly added claims are focused on one aspect of the invention. In prior Office Actions, the Examiner cited the following references: (1) the Glick reference; (2) the Timis reference; (3) the Fuchu reference; (4) the Silfvast reference; (5) the Washikawa reference; (6) the Warman reference; and (7) the Heyl reference, as well as numerous other references. In reviewing the Office Actions, the applicant notes that the Examiner, when evaluating similar claim language as is in newly added claim 83 (i.e., that mixing is allowed when an audio data source is selected as the audio source and that mixing is inhibited when the computer is selected as the audio source), cited the Glick reference, the DeVitt, and the Timis reference as disclosing limitations similar to the limitations of claim 83. Thus, we will only discuss the claim 83 in view of the Glick reference, DeVitt and the Timis reference. In other words, we note that the other references (e.g., Fuchu, Heyl, and Warman references) are not applicable to this limitation.

Claim 83 recites:

An audio reproduction method adapted to a personal computer connected with an audio device, comprising:
receiving first audio data from an audio data source at an audio device;
receiving second audio data from the personal computer at the audio device;
performing mixing of the first audio data and the second audio data when the audio data source is selected as a selected audio source at a graphical user interface of the personal computer; and
inhibiting mixing of the first audio data and the second audio data from being performed when the personal computer is selected as the selected audio source at the graphical user interface of the personal computer.

The Glick reference does not disclose, teach, or suggest the audio reproduction method of claim 83. The Glick reference discloses a multimedia graphical user interface software that supports audio inputs and outputs as well as digitally sampled

sound. Audio input can be used for creating sampled sound for voice annotations as well as basic multimedia productions. The sampled audio can also be played back from disk. The multimedia GUI also supports external media devices (e.g., CD-ROMs and video disk players). High capacity media devices can be controlled from within the multimedia GUI to provide high-quality audio and video playback. In addition, the software supports MIDI instrument emulation using FM synthesis and a standard MIDI patch table. (*Glick, col. 34, lines 40 – 60*). The host computer 24 controls the audio signals of workstation 10 via audio multimedia circuitry 18. To properly mix signals from CD-ROM 28, A/D-D/A Converter and sound synthesizer 33. The audio multimedia circuitry includes a 7:1 mixer 70 which also can receive input from a television circuit 46 and an FM/AM tuner circuit 48. An auxiliary input circuit, i.e., Aux 1, may also receive analog signals from external inputs, including audio cassette or additional VCR or television inputs. (*Glick, col. 6, lines 29 – 40*). Later in the Glick reference, the 7:1 mixer 70 is disclosed as receiving inputs from the sound synthesizer 33, A-D-D/A converter 32, CD-ROM 28, aux input 72, TV tuner 46, and serial bus controller 316. The output from the mixer goes to a volume/tone control circuit, which also receives direct input from serial bus controller 316. (*Glick, col. 6, lines 9 – 21*).

This is not the same as an audio reproduction method including **performing mixing of the first audio data and the second audio data when the audio data source is selected as a selected audio source at a graphical user interface of the personal computer and inhibiting mixing of the first audio data and the second audio data from being performed when the personal computer is selected as the selected audio source at the graphical user interface of the personal computer.**

Although the Glick reference discloses a multimedia graphical user interface which controls different audio inputs, there is no specific recitation that when an **audio data source is selected as the audio source in the GUI, mixing is performed and when a personal computer is selected as the audio source in the GUI, mixing is inhibited**, as is recited in claim 83. In other words, while the Glick reference may disclose that a certain audio source can be selected, there is no disclosure that the selection of the audio source results in mixing (in the case of selecting the audio data audio source) and results in the inhibiting of mixing (in the case of selecting the personal computer as the audio source). Accordingly, claim 83 distinguishes over the Glick reference.

The Timis reference does not make up for the deficiencies of the Glick reference. In one embodiment, a microphone 152 connects to A/D converters and provides a representative source of audio information. The D/A converters connect to amplified speakers 162. A MIDI interface 170 connects to a port of a computer system and a MIDI device 180 (keyboard/synthesizer) connects to the MIDI interface 170. The sound output of the MIDI device 180 connects to amplified speakers 162 where it is mixed with the sound output of the A/D converters. (*Timis, col. 6, lines 5 – 22*). In another embodiment, the Timis reference discloses that that audio enters a processor unit 200 from a sound input device (microphone), is converted to digital samples by A/D converters 150, and an analysis unit 202 extracts musical parameters from the digital samples. The Timis reference discloses in Fig. 3 that a user input device 182, i.e., MIDI sliders, can be utilized to input parameters, along with an user input device 180, i.e., a MIDI keyboard, that a controller 206 compares with parameters generated by an

analysis unit 202. The comparison results in the generation of time varying control functions for DSP algorithms. These parameters are utilized as control parameters on the digitized samples. (*Timis*, col. 6, lines 64 – col. 7, line 20).

This is not the same as an audio reproduction method including **performing mixing of the first audio data and the second audio data when the audio data source is selected as an audio source at a graphical user interface of the personal computer and inhibiting mixing of the first audio data and the second audio data from being performed when the personal computer is selected as the audio source at the graphical user interface of the personal computer.** The *Timis* reference is disclosing only the mixing of MIDI sound output with sound output of the D/A converters. There is no discussion that this is controlled by a GUI. In addition, there is no disclosure in the *Timis* reference that if one type of audio source is selected (i.e., an audio data audio source), then mixing is performed, while if another type of audio source is selected (i.e., a personal computer), mixing is inhibited. Accordingly, claim 83 distinguishes over the *Timis* / *Glick* combination.

The *DeVitt* reference does not make up for the deficiencies of the *Glick* and *Timis* references. The *DeVitt* reference discloses a system for interactively controlling multiple parameters affecting an audio output, the system employing a controller with a visual display for displaying an icon that is a visual representation of an input sound signal. Figs. 5A and 5B illustrate a sound mixing system that uses display 18 to provide video display which displays sound input signals in a two dimensional sound output channel space. Specifically, Fig. 5B illustrates a video display of four mixed input signals. The video display of the output signal space for a stereo mix environment

includes a mix portion 102 which displays angle of displacement from center as degree and radial distance, which is related to relative sound amplitude, in decibels. The mix portion 102 includes elliptical boundary 102 which delineates main mix portions and a nonlinear fadeout portion. (*DeVitt, col. 4, lines 36 – 55*).

This is also not the same as an audio reproduction method including **performing mixing of the first audio data and the second audio data when the audio data source is selected as a selected audio source at a graphical user interface of the personal computer and inhibiting mixing of the first audio data and the second audio data from being performed when the personal computer is selected as the selected audio source at the graphical user interface of the personal computer.** It is not the same because the DeVitt reference is teaching almost the opposite of the method of claim 83. The DeVitt reference is disclosing that a user utilizes placement of icons on a graphical user interface (the icons representing sound input sources) to determine an amplitude and thus volume for each of the sound input sources being mixed. This is different than the method of claim 83, because in claim 83, a user, via the GUI, **selects an audio data audio source as the audio source, and mixing ensues, wherein when the user, via the GUI, selects the personal computer, no mixing ensues.** In other words, the DeVitt reference, in order for mixing to be inhibited, you would have to select icons for both the audio data audio source and the personal computer. A user would then have to move the personal computer icon to a fade-out section, to fade the sound to mute, and move the audio data audio source to a full amplitude area. This is much more complex and definitely not the same as just selecting the personal computer as the audio source, as is recited in claim 83.

Accordingly, claim 83 distinguishes over the DeVitt / Timis / Glick combination.

Independent claim 92 recites limitations similar to claim 83. Accordingly, applicant respectfully submits that claim 92 distinguishes over the Timis / Glick / Devitt references for reasons similar to those discussed above in regard to claim 83.


Claims 84 – 91 and 93 – 10 depend, indirectly or directly, on claims 83 and 92 respectively. The applicants respectfully submit that claim 92 distinguishes over the Timis / Glick / Devitt combination for the same reasons that as discussed above in regard to claim 84.

Applicant believes that the claims are in condition for allowance, and a favorable action is respectfully requested. If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call either of the undersigned attorneys at the Los Angeles telephone number (213) 488-7100 to discuss the steps necessary for placing the application in condition for allowance should the Examiner believe that such a telephone conference would advance prosecution of the application.

Respectfully submitted,

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